

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

Russ Gordon and Cathy Stackpoole,

Plaintiffs,

vs.

Civil Action No.: 23-12812

The City of Hamtramck, the Hamtramck
City Council, and Mayor Amer Ghalib,
in his official capacity, only,

Hon. David Lawson

Defendants.

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**DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO COMPEL
DISCOVERY REGARDING PLAINTIFFS' SECOND REQUESTS FOR
THE PRODUCTION OF DOCUMENTS**

Defendants, by and through their attorneys, Meroueh Hallman, LLP, provide the following in response to Second Defendants Motion to Compel to Discovery.

1. Defendants' admit that on March 29, 2024, Plaintiffs served their Second Request for the Production of Documents, which mirrored Plaintiffs' First Requests for the Production of Documents.
2. To Plaintiffs' First Requests, Defendants', after a thorough and complete

- review with each party named in the request, responded candidly and completely, specifying that, “No such documents are available to provide.” Plaintiffs then filed a Second Request for Discovery, with the exact same requests in form and function, to which again Defendants have responded that no such documents are available.
3. At the parties’ status conference on Monday, May 13, 2024, Hon. Mag. David Grand ordered that the Defendants’ file their response to the Plaintiffs’ second request by today’s date, Wednesday, May 15, 2024.
 4. Defendants have served Plaintiffs with responsive answers with respect to both categories, which are nothing but identical requests in form and function to the Plaintiff’s First Requests.
 5. Defendants’ have expended attorney’s fees for having to respond to the exact same request from Plaintiff, and should be able to recoup such fee’s from Plaintiffs.
 6. This response to Plaintiffs’ Motion to Compel was filed within the time allotted by Hon. Mag. David Grand.

WHEREFORE, Defendants’ request that Plaintiffs’ Motion to Compel be denied in its entirety, and that Defendants’ actual and reasonable attorney’s fees and costs are awarded for having to respond to this frivolous motion, as required under

Fed. R. Civ. P. 37(a)(5).

Respectfully submitted,

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QUESTIONS PRESENTED

- I. Did the Plaintiffs' repeat the exact same request in form and function to Defendants', forcing Defendants' to expend attorney's fees to Answer Requests that have already been properly answered?**

Yes.

- II. Should Plaintiffs be forced to compensate Defendants for the expenditure of such attorney's fee's?**

Yes.

STATEMENT OF FACTS

Plaintiff's First Requests for the Production of Documents, filed on DATE, requested the following.

1. Any and all emails, texts, notes, correspondence between, including from and to, Imam Saleh Algahim and the Mayor of Hamtramck, and any member(s) of the Hamtramck City Council during the years 2019 to the present, relating to (a) the display of the Pride Flag; or (b) the use of the flag poles located on Joseph Campau Ave; or (c) the introduction or passage of Resolution 2023-82. Please include all documents within the scope of the Request, whether in English or Arabic, or any other language.
2. Any and all emails, texts, notes, correspondence between, including from and to, any religious leader, regardless the religion, whether Muslim, Christian, Jewish, Hindu, Sikh, or any other religious denomination, and the Mayor of Hamtramck, and any member(s) of the Hamtramck City Council during the years 2019 to the present, relating to (a) the display of the Pride Flag; or (b) the use of the flag poles located on Joseph Campau Ave; or (c) the introduction or passage of Resolution 2023-82. Please include all documents within the scope of the Request, whether in English or Arabic, or any other language.

Plaintiffs' First Requests for Discovery.

On date, Plaintiffs' served Defendants' with a second round of requests, asking for information that would have clearly been covered in Defendants'

Answers to Plaintiffs' First Requests for the Production of Documents, which were not objected to by Plaintiffs'.

Plaintiffs requested that the Defendants produce two categories of documents:

- (1) Any and all emails, texts, notes, correspondence between, including from and to, Imam Saleh Algahim and the Mayor of Hamtramck, and any member(s) of the Hamtramck City Council during the years 2019 to the present, relating to (a) the display of the Pride Flag; or (b) the use of the flag poles located on Joseph Campau Ave; or (c) the introduction or passage of Resolution 2023-82. Please include all documents within the scope of the Request, whether in English or Arabic, or any other language.
- (2) Any and all emails, texts, notes, correspondence between, including from and to, any religious leader, regardless the religion, whether Muslim, Christian, Jewish, Hindu, Sikh, or any other religious denomination, and the Mayor of Hamtramck, and any member(s) of the Hamtramck City Council during the years 2019 to the present, relating to (a) the display of the Pride Flag; or (b) the use of the flag poles located on Joseph Campau Ave; or (c) the introduction or passage of Resolution 2023-82. Please include all documents within the scope of the Request, whether in English or Arabic, or any other language.

Plaintiffs' Second Requests for Discovery.

ARGUMENT

I. THE DOCUMENTS SOUGHT IN PLAINTIFFS' SECOND REQUEST WERE CLEARLY COVERED BY THE SCOPE OF PLAINTIFFS' FIRST DISCOVERY REQUEST.

Plaintiff's Second Discovery Request mirror's their First, except for it is more narrow in scope. Any information sought in Plaintiffs' Second Request would have been covered by their First Request.

II. DEFENDANTS' ANSWERS TO PLAINTIFFS' INITIAL DISCOVERY REQUESTS WERE UNAMBIGUOUS AND CLEAR AND PROVIDED NO REASON TO FOLLOW UP AT ALL, MUCH LESS WITH REQUESTS OF THE EXACT SAME NATURE.

To each of Plaintiffs' Initial Discovery Requests, Defendants' did not provide Answers which were in any way unclear or which should have lead to any further inquiries. Defendants' responses to each were that no such documents were available.

Plaintiffs then not only file a Second Request asking for the same information, but when pointed out by Defendants' counsel that the information being sought was the exact same, still proceeded with a Motion to Compel, forcing Defendants to respond

and forcing the City of Hamtramck to expend completely unnecessary Attorney's fees in the process.

CONCLUSION

For the reasons stated in the above and on the record, the Plaintiff's Motion should be denied in its entirety, and this Honorable Court should award Defendants reasonable attorney's for having to respond to this truly frivolous motion.

Respectfully submitted,

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